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OFFICE OF PETITIONS

PHILIPS ELECTRONICS NORTH AMERICAN CORP
580 WHITE PLAINS RD
TARRYTOWN, NY 10591

In re Application of
Penain and Seguy
Application No. 10/031,992
Filed: December 26, 2001
Attorney Docket No. FR 000156
For: TRANSFER OF A SERIES OF DATA

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DECISION ACCORDING
STATUS UNDER
37 CFR 1.47(a) AND
DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.47(a), filed February 6, 2003.

This is also a decision on the petition under 37 CFR 1.137(b), filed April 21, 2003

The petition under 37 CFR 1.137(b) is **GRANTED**

The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Consideration under 37 CFR 1.47(a):

A "Notice to File Missing Parts of Non-Provisional Application" ("Notice") was mailed to petitioner on February 4, 2002, indicating that petitioner neglected to file a proper oath or declaration in compliance with 37 CFR 1.63. The Notice also advised petitioner that a \$130.00 surcharge was also due because a proper oath or declaration was not timely filed. The Notice set forth a period of reply of two months from the mailing date of the Notice and indicated that extensions of time for reply were available pursuant to 37 CFR 1.136(a).

In response to the Notice, petitioner filed the instant petition and a statement authored by Ms. Claudine Laublin establishing that inventor Penain was presented with a complete copy of the application papers, but has constructively refused to join the prosecution of the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The petition fee of \$130.00 and surcharge of \$130.00 will be charged against deposit account 14-1270.

Consideration under 37 CFR 1.137(b):

This application became abandoned on April 5, 2002, for failure to timely file an appropriate response to the Notice to File Missing Parts of Non-Provisional Application. The Notice set forth a two month extendable period for reply, but no response was received within the allowable period. Petitioner was notified of the abandonment of the application by a letter sent on March 25, 2003.

As the requirements of 37 CFR 1.137(b) have been met, the above-cited application is, hereby, revived.

The petition fee of \$1300.00 will be charged against deposit account 14-12706

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.



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Petitions Attorney
Office of Petitions